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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 Willie Roberts and Carla Sutton,  
12 Plaintiffs,  
13 v.  
14 County of Kern, et al.,  
15 Defendants.  
No. 1:21-cv-00725-KJM-CDB  
FINAL PRETRIAL ORDER

17 On April 17, 2025, the court conducted a final pretrial conference. Mark Merin and Paul  
18 Masuhara appeared for plaintiffs. Andrew Hamilton appeared for defendants. After hearing, and  
19 good cause appearing, the court makes the following findings and orders:

## 20 JURISDICTION AND VENUE

21 Jurisdiction is predicated on 28 U.S.C. §§ 1331 and 1367. Jurisdiction and venue are not  
22 contested.

## 23 | JURY / NON-JURY

24 The trial will be by jury. The jury will include eight jurors.

## 25 | UNDISPUTED FACTS

26 1. On December 15, 2020, in the evening, Willie Roberts was present at 2407 E.  
27 California Ave., Bakersfield, CA 93307 (the “casino”).

- 1 2. Willie Roberts exited the casino into an alley through a gate located at the back of  
the casino.
- 3 3. Kern County Sheriff's Office ("KCSO") personnel arrived at the alley behind the  
casino in two separate unmarked law enforcement vehicles.
- 4 4. Brandon Geherty, Jose Perez, Christian Melero, and Ralph Lomas were in one  
vehicle, and Jason Colbert, Ryan Brock, and Victor Garcia were in another  
vehicle.
- 5 5. The KCSO personnel wore body armor over plain clothing and some were armed  
with rifles.
- 6 6. Jason Colbert was the Special Investigations Division ("SID") supervisor at the  
scene.
- 7 7. Carla Sutton also arrived at the alley in the casino in her vehicle at the same time  
as the KCSO personnel, and her vehicle was located between the two KCSO  
vehicles.
- 8 8. KCSO personnel exited their vehicles and approached the gate located at the back  
of the casino.
- 9 9. Brandon Geherty contacted Willie Roberts.
- 10 10. Brandon Geherty shot Willie Roberts in the upper thigh with his rifle.
- 11 11. Willie Roberts was transported to the hospital for treatment for his gunshot  
wounds.
- 12 12. Ryan Brock contacted Carla Sutton.
- 13 13. Carla Sutton's arms were handcuffed behind her back.
- 14 14. Carla Sutton's property, including her vehicle, purse, and cell phone, was seized  
by KCSO personnel.
- 15 15. William Malloy and Cody Johnson questioned Carla Sutton.
- 16 16. Carla Sutton signed a permission to search electronic communications device,  
witnessed by William Malloy.

1       17. On December 16, 2020, Carla Sutton was permitted by KCSO to pick-up her  
2       vehicle and purse.

3       18. On January 5, 2021, Carla Sutton was permitted by KCSO to pick-up her  
4       cellphone without the SIM card.

5 **DISPUTED FACTUAL ISSUES**

- 6       1. Whether Brandon Geherty used excessive force against Willie Roberts.
- 7       2. Whether Ryan Brock used excessive force against Carla Sutton.
- 8       3. Whether Jason Colbert's instructions or decisions caused Brandon Geherty or  
9       Ryan Brock to use excessive force.
- 10      4. Whether William Malloy and Cody Johnson unlawfully arrested Carla Sutton and  
11       unlawfully seized her property.
- 12      5. Whether any Defendant violated the rights of Carla Sutton or Willie Roberts under  
13       the Bane Civil Rights Act.
- 14      6. Whether any Defendant committed an assault or battery of Carla Sutton or Willie  
15       Roberts.
- 16      7. Whether Carla Sutton and/or Willie Roberts were comparatively negligent in their  
17       actions on the night of the subject incident and whether such negligence was a  
18       proximate cause of Plaintiffs' alleged injuries and damages, if any, or was the sole  
19       cause thereof.
- 20      8. Whether the Defendants acted with malice, oppression or fraud (for state law  
21       punitive damages) or with an evil or criminal intent to injure, malice, oppression,  
22       fraud or deliberate indifference (for 42 USC § 1983 punitive damages).
- 23      9. Whether Willie Roberts was acting as a guard at the illegal gambling casino.
- 24      10. Whether Willie Roberts brandished a realistic looking handgun, although in  
25       actuality a BB/air soft gun, at Deputy Geherty prior to Deputy Geherty discharging  
26       his rifle.
- 27      11. Whether Plaintiffs are entitled to damages and if so, the amount of said damages.
- 28      12. The nature and extent of Plaintiffs' claimed injuries.

13. Whether Defendants are entitled to immunities, privileges and/or offsets provided  
2 by California Tort Claims act of the California Government Code (Government  
3 Code § 810 et seq.); California Government Code including, without limitation,  
4 §§ 820.8, 815, 815(b); 815.2; 818; 820.2; 820.4; 820.8; 956.4, and Penal Code  
5 §§ 834, 834a, 835, 835a and 836.
14. Whether Defendants are immune from liability under the doctrine of qualified  
7 immunity.
15. Whether Defendant Geherty honestly and reasonably believed that Willie Roberts  
9 was about to inflict harm upon him and that the use of force, if any, was done  
10 reasonably and in self-defense.
16. Whether Defendant Geherty acted without malice and with a good faith belief in  
12 the propriety of his conduct.
17. Whether Defendant Geherty's conduct at all times material herein was privileged  
14 and/or justified under applicable state and federal law.

## 15 **SPECIAL FACTUAL INFORMATION**

16. Willie Roberts is 42 years old. Willie Roberts sustained gunshot wounds on his  
17 upper thighs. Willie Roberts received hospital treatment on the day the injuries  
18 were sustained, and periodically thereafter.
19. Carla Sutton is 37 years old. Carla Sutton was detained/arrested for a period of  
20 hours and her property, including her vehicle, purse (and its contents), and cell  
21 phone, were seized.

## 22 **DISPUTED EVIDENTIARY ISSUES**

23 Plaintiffs anticipate filing motions in limine to exclude the following evidence:

24. 1. Any Search Warrant.
25. 2. Prior Arrests, Convictions, and/or Bad Acts.
26. 3. Awards, Accolades, and Commendations.
27. 4. Expert reports.

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5. Expert Testimony of Clarence Chapman, Rocky Edwards, Heather Heider, Parris Ward, Robert Schick, Michael Kuzel, and Adam Stubbs.

Defendants anticipate filing motions in limine to exclude the following evidence:

1. Indemnification of any of the Defendant Deputies by their employer and vicarious liability of the County of Kern.
2. Wealth or poverty of Kern County, including insurance coverage provided to the County of Kern to cover any damages awarded.
3. The personnel files of any Kern County Sheriff's deputy.
4. Past officer involved shootings by any KCSO deputy.
5. Prior use of force incidents involving the Defendant deputies in this case, i.e. evidence of character, other bad acts or personnel actions.
6. Settlements and/or verdicts of prior civil litigation regarding use of force incidents by KCSO deputies.
7. DOJ Press Releases regarding investigation or settlement with the Kern County Sheriff's Office.
8. The Complaint in People ex rel. Becerra v. County of Kern, No. BCV-20-102971.
9. The Stipulated Judgment in People ex rel. Becerra v. County of Kern, No. BCV-20-102971.
10. ACLU Press Release or Report regarding the Kern County Sheriff Office and use of force.
11. References to any news article by "The Guardian" publication regarding Kern County Sheriff's Office.
12. Graphic and inflammatory photographs of Willie Roberts' injuries.
13. Evidence and testimony regarding Willie Roberts claim of excessive force.

## **STIPULATIONS / AGREED STATEMENTS**

1. The parties stipulate, and the court approves, that production of the parties as witnesses at trial shall occur, without issuance of a trial subpoena. In other words, Plaintiffs' counsel will ensure that Willie Roberts and Carla Sutton are present at

1 trial to testify as witnesses, and Defendants' counsel will ensure that Jason  
2 Colbert, William Malloy, Cody Johnson, Brandon Geherty, and Ryan Brock are  
3 present at trial to testify as witnesses.

4 2. The parties stipulate that the authenticity of the following documents is  
5 uncontested, without the need for testimony by a witness/records custodian to  
6 authenticate such documents:

7 a. Documents produced in discovery by Defendants—i.e., COK-00001-COK-  
8 12394  
9 b. Kern County Sheriff's Office Policies posted on its website at:  
10 <<https://www.kernsheriff.org/Policies>>

11 **RELIEF SOUGHT**

12 1. Compensatory Damages: Plaintiffs seek compensatory damages including pain,  
13 suffering, and emotional distress.

14 2. Nominal Damages: Plaintiffs seek nominal damages, to the extent that no  
15 compensatory damages are awarded.

16 3. Punitive Damages: Plaintiffs seek punitive damages.

17 4. Treble Damages/Civil Penalties: Plaintiffs seek treble damages/civil penalties,  
18 pursuant to Cal. Civ. Code § 52.1.

19 5. Attorneys' Fees & Costs: Plaintiffs seek attorneys' fees and costs, pursuant to  
20 42 U.S.C. § 1988, Cal. Civ. Code § 52.1, and/or California Code of Civil  
21 Procedure § 1021.5. Defendants seek recovery of costs and attorneys' fees under  
22 42 U.S.C. § 1988 and 42 U.S.C. § 1927, Federal Rule of Civil Procedure 54, Local  
23 Rules 292 and 293 and all other applicable statutes and rules.

24 **POINTS OF LAW**

25 The parties shall alert the court to disputes about the applicable law and legal standards.  
26 Trial briefs addressing these points more completely shall be filed with this court no later than  
27 **fourteen days prior to the date of trial** in accordance with Local Rule 285.

1 **ABANDONED ISSUES**

2 The parties agree no issues have been abandoned.

3 **WITNESSES**

4 The plaintiff's witnesses are those listed in Attachment A below. The defendant's  
5 witnesses are those listed in Attachment B below. Each party may call any witnesses designated  
6 by the other.

7 A. The court will not permit any other witness to testify unless:

8 (1) The party offering the witness demonstrates that the witness is for the  
9 purpose of rebutting evidence that could not be reasonably anticipated at  
10 the pretrial conference, or  
11 (2) The witness was discovered after the pretrial conference and the proffering  
12 party makes the showing required in "B," below.

13 B. Upon the post pretrial discovery of any witness a party wishes to present at trial,  
14 the party shall promptly inform the court and opposing parties of the existence of  
15 the unlisted witnesses so the court may consider whether the witnesses shall be  
16 permitted to testify at trial. The witnesses will not be permitted unless:

17 (1) The witness could not reasonably have been discovered prior to the  
18 discovery cutoff;  
19 (2) The court and opposing parties were promptly notified upon discovery of  
20 the witness;  
21 (3) If time permitted, the party proffered the witness for deposition; and  
22 (4) If time did not permit, a reasonable summary of the witness's testimony  
23 was provided to opposing parties.

24 **EXHIBITS, SCHEDULES AND SUMMARIES**

25 Plaintiff's exhibits are identified in Attachment C below. At trial, plaintiff's exhibits shall  
26 be identified using the prefix "P," i.e., P-1, P-2, P-3, and so on. Defendant's exhibits are  
27 identified in Attachment D below. At trial, defendant's exhibits shall be identified using the

1 prefix "D," i.e., D-1, D-2, D-3, and so on. The parties are directed to meet and confer before trial  
2 to identify all exhibits they agree are admissible and will list jointly. Joint exhibits will be  
3 identified using the prefix "J," i.e., J-1, J-2, J-3, and so on.

4 All exhibits must be premarked.

5 The parties must prepare exhibit binders for use by the court at trial, with a side tab  
6 identifying each exhibit in accordance with the specifications above. Each binder shall have an  
7 identification label on the front and spine.

8 The parties must exchange exhibits no later than **twenty-eight days before trial**. Any  
9 objections to exhibits are due no later than **fourteen days before trial**.

10 A. The court will not admit exhibits other than those identified on the exhibit lists  
11 referenced above unless:

- 12 1. The party proffering the exhibit demonstrates that the exhibit is for the  
13 purpose of rebutting evidence that could not have been reasonably  
14 anticipated, or
- 15 2. The exhibit was discovered after the issuance of this order and the  
16 proffering party makes the showing required in Paragraph "B," below.

17 B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly  
18 inform the court and opposing parties of the existence of such exhibits so that the  
19 court may consider their admissibility at trial. The exhibits will not be received  
20 unless the proffering party demonstrates:

- 21 1. The exhibits could not reasonably have been discovered earlier;
- 22 2. The court and the opposing parties were promptly informed of their  
23 existence; and
- 24 3. The proffering party forwarded a copy of the exhibits (if physically  
25 possible) to the opposing party. If the exhibits may not be copied the  
26 proffering party must show that it has made the exhibits reasonably  
27 available for inspection by the opposing parties.

1 **DEPOSITION TRANSCRIPTS**

2 Counsel must lodge the sealed original copy of any deposition transcript to be used at trial  
3 with the Clerk of the Court on the first day of trial.

4 **FURTHER DISCOVERY OR MOTIONS**

5 Discovery is closed. No further dispositive motions will be accepted. The court will  
6 adjudicate the pending motion for reconsideration (ECF No. 48).

7 **AMENDMENTS AND DISMISSALS**

8 The court granted defendants' motion for summary judgment in part in the order at  
9 ECF No. 41.

10 **SETTLEMENT**

11 This matter is referred to a court-convened settlement conference before the assigned  
12 Magistrate Judge **within forty-five days**. The parties are directed to contact the courtroom  
13 deputy for the assigned Magistrate Judge, Cori Boren (661-326-6620) and  
14 CBoren@caed.uscourts.gov), to schedule a settlement conference.

15 The parties believe further settlement discussions will not be productive until the court  
16 rules on defendants' pending motion for reconsideration. The court will resolve that motion  
17 expeditiously after defendants' reply has been filed, after a hearing if necessary.

18 **MOTIONS IN LIMINE**

19 Oppositions to all motions in limine shall be filed within **twenty-eight days**. Replies, if  
20 any, shall be filed within **thirty-five days**.

21 As stated at the final pretrial conference, defendants may file a written request for an  
22 extension of time to file motions in limine, which request should comply with this District's local  
23 rules and this court's standing orders, including the requirement to meet and confer with opposing  
24 counsel.

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1 **JOINT STATEMENT OF THE CASE**

2 The parties have agreed to the following joint statement of the case:

3 This is a civil rights action involving incidents occurring in  
4 Bakersfield, California, on December 15, 2020. Willie Roberts  
5 alleges that Kern County Sheriff's Deputy Brandon Geherty used  
6 excessive force against him. Carla Sutton alleges that Kern County  
7 Sheriff's Deputy Ryan Brock used excessive force against her, and  
8 that Kern County Sheriff's Detectives William Malloy and Cody  
9 Johnson unlawfully arrested her and seized her property. Willie  
10 Roberts and Carla Sutton seek damages. Defendants County of Kern,  
11 Deputy Geherty, Deputy Brock, Deputy Malloy, Deputy Johnson  
12 and Deputy Colbert deny the allegations of Willie Roberts and Carla  
13 Sutton and deny that they are entitled to damages.

14 **SEPARATE TRIAL OF ISSUES**

15 Defendant's motion to try the case in three stages is **denied**. Plaintiffs' proposal to try the  
16 case in two phases is **granted**: if the jury finds any plaintiff is entitled to punitive damages, the  
17 issue of the amount of those damages will be tried in a bifurcated second phase.

18 **IMPARTIAL EXPERTS OR LIMITATIONS OF EXPERTS**

19 The parties agree no impartial experts and no limitations on experts are necessary.

20 **ATTORNEYS' FEES**

21 Plaintiffs will seek an award of attorneys' fees and costs, if they are the prevailing parties  
22 in this action.

23 Defendants seek recovery of costs and attorneys' fees under 42 U.S.C. § 1988 and  
24 42 U.S.C. § 1927, Federal Rule of Civil Procedure 54, Local Rules 292 and 293 and all other  
25 applicable statutes and rules.

26 **TRIAL DATE AND ESTIMATED LENGTH OF TRIAL**

27 Jury trial is set for **August 4, 2025 at 9:00 a.m.** in Courtroom Three of the Sacramento  
28 Courthouse on 501 "I" Street before the Honorable Kimberly J. Mueller. Trial is anticipated to  
29 last five to eight days. The parties are directed to Judge Mueller's trial schedule outlined on her  
30 web page on the court's website.

1 **PROPOSED JURY VOIR DIRE AND PROPOSED JURY INSTRUCTIONS**

2 The parties shall file any proposed jury voir dire **seven days before trial**. Each party will  
3 be limited to ten minutes of jury voir dire.

4 The court directs counsel to meet and confer in an attempt to generate a joint set of jury  
5 instructions and verdicts. The parties shall file any such joint set of instructions **fourteen days**  
6 **before trial**, identified as “Jury Instructions and Verdicts Without Objection.” To the extent the  
7 parties are unable to agree on all or some instructions and verdicts, their respective proposed  
8 instructions are due **fourteen days before trial**.

9 Counsel shall e-mail a copy of all proposed jury instructions and verdicts, whether agreed  
10 or disputed, as a word document to [kjmorders@caed.uscourts.gov](mailto:kjmorders@caed.uscourts.gov) no later than **fourteen days**  
11 **before trial**; all blanks in form instructions should be completed and all brackets removed.

12 Objections to proposed jury instructions must be filed **seven days before trial**; each  
13 objection shall identify the challenged instruction and shall provide a concise explanation of the  
14 basis for the objection along with citation of authority. When applicable, the objecting party  
15 shall submit an alternative proposed instruction on the issue or identify which of his or her own  
16 proposed instructions covers the subject.

17 **OBJECTIONS TO THIS ORDER AND CONCLUSION**

18 Each party is granted **fourteen days** from the date of this order to file objections to the  
19 same. If no objections are filed, the order will become final without further order of this court.

20 DATED: April 21, 2025.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE

**ATTACHMENT A: PLAINTIFFS' WITNESS LIST**

1. 1. Willie Roberts, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento,  
2. CA 95814, (916) 443-6911
3. 2. Carla Sutton, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300, Sacramento, CA  
4. 95814, (916) 443-6911
5. 3. Jason Colbert, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor,  
6. Bakersfield, CA 93301, (661) 868-3800
7. 4. Brandon Geherty, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor,  
8. Bakersfield, CA 93301, (661) 868-3800
9. 5. Ryan Brock, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor,  
10. Bakersfield, CA 93301, (661) 868-3800
11. 6. William Malloy, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor,  
12. Bakersfield, CA 93301, (661) 868-3800
13. 7. Cody Johnson, c/o Kern County Counsel's Office, 1115 Truxtun Avenue, Fourth Floor,  
14. Bakersfield, CA 93301, (661) 868-3800
15. 8. Marcus Hackmon, EMT-Paramedic, Hall Ambulance Service, Inc., 2001 O Street,  
16. Bakersfield, CA 93301, (661) 334-5419
17. 9. Martell Rufus, EMT-Basic, Hall Ambulance Service, Inc., 2001 O Street, Bakersfield, CA  
18. 93301, (661) 334-5419
19. 10. Jennefer Arrington, H.S.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA  
20. 93306, (661) 326-2000
21. 11. Melanie Hemingway, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA  
22. 93306, (661) 326-2000
23. 12. Andrea Melton, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,  
24. (661) 326-2000
25. 13. Alexandra Dyer, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,  
26. (661) 326-2000
27. 14. Elizabeth Siacunco, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,

1 (661) 326-2000

2 15. Brianna Rice, R.N., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306, (661)

3 326-2000

4 16. Joel Amezquita, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,

5 (661) 326-2000

6 17. Daniel Quesada, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,

7 (661) 326-2000

8 18. David Handman, M.D., Kern Medical, 1700 Mt. Vernon Ave., Bakersfield, CA 93306,

9 (661) 326-2000

10 19. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA 93306,

11 (661) 215-4948

12 20. Ana Duarte, 5300 California Ave., Bakersfield, CA 93309, (661) 323-3100

13 21. Abel Lombera, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA 93308,

14 (661) 861-3110

15 22. Adrian Olmos, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA 93308,

16 (661) 861-3110

17 23. Brandon Rutledge, Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, CA

18 93308, (661) 861-3110

19 24. Custodian(s) of Records (for authentication of documents, to the extent necessary)

20

**ATTACHMENT B: DEFENDANTS' WITNESS LIST**

1. Plaintiff Willie Roberts, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300,  
2. Sacramento, CA 95814, (916) 443-6911.
3. Plaintiff Carla Sutton, c/o Law Office of Mark E. Merin, 1010 F Street, Suite 300,  
4. Sacramento, CA 95814, (916) 443-6911.
5. Defendant Jason Colbert, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
6. Bakersfield, CA, 93301 (661)868-3820.
7. Defendant Ryan Brock, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
8. Bakersfield, CA, 93301 (661)868-3820.
9. Defendant William Malloy, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
10. Bakersfield, CA, 93301 (661)868-3820.
11. Defendant Cody Johnson, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
12. Bakersfield, CA, 93301 (661)868-3820.
13. Defendant Brandon Geherty, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
14. Bakersfield, CA, 93301 (661)868-3820.
15. Deputy Christian Molero, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
16. Bakersfield, CA, 93301 (661)868-3820.
17. Deputy Jose Perez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
18. Bakersfield, CA, 93301 (661)868-3820.
19. Deputy Lomas, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
20. CA, 93301 (661)868-3820.
21. Deputy Basset, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
22. CA, 93301 (661)868-3820.
23. Deputy Leiva, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
24. CA, 93301 (661)868-3820.
25. Deputy Olmos, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
26. CA, 93301 (661)868-3820.
27. Deputy Ramirez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
28. CA, 93301 (661)868-3820.

1 Bakersfield, CA, 93301 (661)868-3820.

2 15. Deputy Rosso c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
3 CA, 93301 (661)868-3820.

4 16. Deputy Tampinco, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
5 Bakersfield, CA, 93301 (661)868-3820.

6 17. Deputy Tinoco, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
7 CA, 93301 (661)868-3820.

8 18. Sgt. Coleman, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
9 CA, 93301 (661)868-3820.

10 19. Sgt. Newell, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
11 CA, 93301 (661)868-3820.

12 20. Deputy Lancaster, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
13 Bakersfield, CA, 93301 (661)868-3820.

14 21. Detective Wong, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
15 CA, 93301 (661)868-3820.

16 22. Deputy Nelson, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
17 CA, 93301 (661)868-3820.

18 23. Deputy Sanchez, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
19 CA, 93301 (661)868-3820.

20 24. Deputy Chambliss, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
21 Bakersfield, CA, 93301 (661)868-3820.

22 25. Deputy Garcia, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,  
23 CA, 93301 (661)868-3820.

24 26. Deputy Maokosy, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
25 Bakersfield, CA, 93301 (661)868-3820.

26 27. Lt. Abel Lombera, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,  
27 Bakersfield, CA, 93301 (661)868-3820.

28 28. Sgt. Adrian Olmos, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,

1 Bakersfield, CA, 93301 (661)868-3820.

2 29. Sgt. Brandon Rutledge, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor,

3 Bakersfield, CA, 93301 (661)868-3820.

4 30. Deputy Romo, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,

5 CA, 93301 (661)868-3820.

6 31. Deputy Ott, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA,

7 93301 (661)868-3820.

8 32. Deputy Routh, c/o Marshall S. Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield,

9 CA, 93301 (661)868-3820.

10 33. Deputy District Attorney Larry Fields, 1215 Truxtun Avenue, 4th Floor, Bakersfield, CA,

11 93301 (661) 868-2340

12 34. Medical staff identified in Kern Medical records who provided medical services to Willie

13 Roberts on December 15, 2020 at Kern Medical center, as well as Kern Medical staff who

14 provided medical services to Willie Roberts at Lerdo Jail thereafter.

15 35. Jennifer Arrington, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

16 36. Alexandra Dyer, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

17 37. Elizabeth Siacuno, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

18 38. Briana Rice, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

19 39. Dr. Joel Amezquita, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

20 40. Dr. Daniel Quesada, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

21 41. Dr. David Handman, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

22 42. Dr. Kendra Lawrence, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

23 43. Dr. Ramon Mansilungan, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

24 44. Dr. Sarah Gonzales, Kern Medical. 1700 Mt. Vernon Ave., Bakersfield, CA 93306.

25 45. Kern Medical custodian of records regarding billing, 1700 Mt. Vernon Ave., Bakersfield,

26 CA 93306.

27 46. Marcus Hackmon, Hall Ambulance. 10021 21st Street, Bakersfield, CA, 93301 (661) 334-

28 5419

1 47. Martell Rufus, Hall Ambulance. 10021 21st Street, Bakersfield, CA, 93301 (661) 334-  
2 5419

3 48. Hall Ambulance custodian of records regarding billing, 10021 21st Street, Bakersfield,  
4 CA, 93301 (661) 334-5419

5 49. Technical investigators identified in KCSO reports 2020-00172480 and 2020-00172739 as  
6 to all photographs taken and evidence obtained with regard to each report, c/o Marshall S.  
7 Fontes, 1115 Truxtun Avenue, Fourth Floor, Bakersfield, CA, 93301 (661)868-3820.

8 50. Craig Bailey (Witness identified in KCSO Report 2020-00172739), Transient Jitender  
9 Mann (Witness identified in KCSO Report 2020-00172739), 737 Normandy Dr. B,  
10 Bakersfield, CA 93306 (661) 308-7357

11 51. Leticia Moreno (Witness identified in KCSO Report 2020-00172739), 737 Normandy Dr.  
12 B, Bakersfield, CA, 93306

13 52. Kaylee Trevino (Witness identified in KCSO Report 2020-00172739), 508 Pacific Street,  
14 Bakersfield, CA 93305 (661) 421-5750

15 53. Marie Carrasco (Witness identified in KCSO Report 2020-00172739), 1717 Alta Vista  
16 Drive, Bakersfield, CA 93305 (661) 369-9865

17 54. Marc Anthony Reyes (Witness identified in KCSO Report 2020-00172739), 2704  
18 Security Avenue, Bakersfield, CA 93306 (661) 364-1271

19 55. Alice Ann Lopez (Witness identified in KCSO Report 2020-00172739), 401 Ming  
20 Avenue, Bakersfield, CA 93307 (661)370-9834

21 56. Jessica Esmeralda Solorzano (Witness identified in KCSO Report 2020-00172739),  
22 Transient (661) 717-9630

23 57. Alicia Diaz (Witness identified in KCSO Report 2020-00172739), 1208 Padre Street,  
24 Bakersfield, CA 93307 (661) 364-7853

25 58. Michael De La Cueva (Witness identified in KCSO Report 2020-00172739), 2717 Trent  
26 Street, Bakersfield, CA 93306 (661) 497-9033

27 59. Dominic Pena (Witness identified in KCSO Report 2020-00172739), 1036 Washington  
28 Sq., Bakersfield, CA, (661) 373-4765

1 60. Christoper Villa (Witness identified in KCSO Report 2020-00172739), 2636 Victor Dr.,  
2 Bakersfield, CA (661) 558-6110

3 61. Gregorio Daniel Gurrola (Witness identified in KCSO Report 2020-00172739), 22509  
4 Buddy Drive, (661) 855-4131

5 62. Whitfield Lawrence (Witness identified in KCSO Report 2020-00172739), address  
6 unknown, (661) 225-8542

7 63. Celicia Martinez (Witness identified in KCSO Report 2020-00172739), address unknown,  
8 (661) 324-0808

9 64. Xavier Gonzalez (Witness identified in KCSO Report 2020-00172739), ), address  
10 unknown, (661) 979-1869

11 65. Francisco Joel Sandoval (Witness identified in KCSO Report 2020-00172739), 1812  
12 Pacific Street, Bakersfield, CA 93305 (661) 390-2867

13 66. Clarence Chapman, National Justice Consultants, Inc., 1507 7th Street, Suite 350, Santa  
14 Monica, CA, 90401 (310) 429-2940

15 67. Rocky Edwards, 160 W. Foothill Parkway #105-190, Corona, CA, 92282 (323) 216-1584

16 68. Heather Heider, Axiom Forensics, Inc., 13089 Peyton Avenue, Suite C434, Chino Hills,  
17 CA, 91709 (909) 223-3348

18 69. Parris Ward, Biodynamics Engineering, Inc., P.O. Box 722, Pacific Palisades, CA, 90272  
19 (310) 454-0924

20 70. Dr. Robert Schick, 2070 North Broadway # 5106, Walnut Creek, CA, 94596 (925) 388-  
21 6360

22 71. Michael Kuzel, 3370 N. Hayden Road 123-683, Scottsdale, AZ, 85251 (480) 625-0782

23 72. Adam Stubbs, DeWalt Corporation, 1930 22nd Street, Bakersfield, CA, 93301 (661) 323-  
24 4600

25

**ATTACHMENT C: PLAINTIFFS' EXHIBIT LIST**

1. 1. County of Kern; Government Claim Rejection [COK-00001–COK-00002]
2. 2. Kern County Sheriff's Office; Criminal Case Information [COK-00003]
3. 3. Kern County Sheriff's Office; Reports [COK-00004–COK-00090]
4. 4. Kern County Sheriff's Office; Field Complaint [COK-00091–COK-00093]
5. 5. Kern County Sheriff's Office; Adverse Comment [COK-00094–COK-00119]
6. 6. Kern County Sheriff's Office; Report [COK-00120–COK-00131]
7. 7. Kern County Sheriff's Office; Report Photos [COK-00132–COK-00147]
8. 8. Kern County Sheriff's Office; Report [COK-00148–COK-00234]
9. 9. Kern County Sheriff's Office; Report Photos [COK-00235–COK-00284]
10. 10. Kern County Sheriff's Office; Report Photos [COK-00285–COK-00319]
11. 11. Kern Medical; Medical Records [COK-00320–COK-00405]
12. 12. Kern County Sheriff's Office; Interviews (20 audio files)
13. 13. Kern County Sheriff's Office; Body-Worn Camera Recordings (15 video files)
14. 14. Kern County Sheriff's Office; Letter [COK-00406–COK-00407]
15. 15. Kern County Sheriff's Office; Letter [COK-00408–COK-00409]
16. 16. Kern County Sheriff's Office; Letter [COK-00410]
17. 17. Kern County Sheriff's Office; Press Release [COK-00411]
18. 18. Kern County Sheriff's Office; Press Release [COK-00412]
19. 19. Kern County Sheriff's Office; Press Release [COK-00413]
20. 20. Kern County Sheriff's Office; Geherty Personnel Files [COK-00414–COK-00655]
21. 21. Kern County Sheriff's Office; Geherty Field Complaint [COK-00656–COK-00658]
22. 22. Kern County Sheriff's Office; Geherty IA Investigation [COK-00659–COK-00866]
23. 23. Kern County Sheriff's Office; Geherty Adverse Comment [COK-00879–COK-01077]
24. 24. Kern County Sheriff's Office; Geherty Training Records [COK-01078–COK-01083]
25. 25. Kern County Sheriff's Office; Reports & Photos Re: David Garcia [COK-01083–COK-01308]
26. 26. Kern County Sheriff's Office; Reports & Photos Re: Madison Mahood [COK-01309–

1 COK-01539]

2 27. Kern County Sheriff's Office; Reports & Photos Re: Luis Macias [COK-01540–COK-

3 01715]

4 28. Kern County Sheriff's Office; Reports & Photos Re: Benjamin Ashley [COK-01716–

5 COK-03036]

6 29. Kern County Sheriff's Office; Reports & Photos Re: Joseph Johnson [COK-03037–COK-

7 03319]

8 30. Kern County Sheriff's Office; Reports & Photos Re: Stanley Severi [COK-03320–COK-

9 03471]

10 31. Kern County Sheriff's Office; Reports & Photos Re: John Wells [COK-03372–COK-

11 03628]

12 32. Kern County Sheriff's Office; Reports & Photos Re: Charles Moore [COK-03629–COK-

13 04047]

14 33. Kern County Sheriff's Office; Reports & Photos Re: Reginald Anderson [COK-04048–

15 COK-04352]

16 34. Kern County Sheriff's Office; Reports & Photos Re: Heiberto Rodriguez [COK-04353–

17 COK-04800]

18 35. Kern County Sheriff's Office; Reports & Photos Re: Israel Lucas [COK-04801–COK-

19 05230]

20 36. Kern County Sheriff's Office; Reports & Photos Re: Charles Walsh [COK-05232–COK-

21 05592]

22 37. Kern County Sheriff's Office; Reports & Photos Re: Javier Vidal [COK-05593–COK-

23 06211]

24 38. Kern County Sheriff's Office; Reports & Photos Re: Graciano Ceballos [COK-06212–

25 COK-06556]

26 39. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Daniel Gomez [COK-

27 06557–COK-06774]

28 40. Kern County Sheriff's Office; Reports & Photos Re: Jacob Morales [COK-06775–COK-

1 06907]

2 41. Kern County Sheriff's Office; Reports Re: Cesar Ruiz [COK-06908–COK-07214]

3 42. Kern County Sheriff's Office; Reports Re: Mickel Lewis Jr. [COK-07215–COK-07303]

4 43. Kern County Sheriff's Office; Reports & Photos Re: Justin Esqueda [COK-07304–COK-

5 08194]

6 44. Kern County Sheriff's Office; Reports & Photos Re: Daniel Reyes [COK-08195–COK-

7 08636]

8 45. Kern County Sheriff's Office; Reports & Photos Re: Henry Rodriguez Jr. [COK-08637–

9 COK-08956]

10 46. Kern County Sheriff's Office; Reports & Photos Re: Willie Roberts [COK-08957–COK-

11 09119]

12 47. Kern County Sheriff's Office; Reports & Video Re: David Byrket [COK-09120–COK-

13 09130]

14 48. Kern County Sheriff's Office; Reports Re: Michael LeMon [COK-09131–COK-09202]

15 49. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Israel Lucas [COK-

16 09203–COK-09683]

17 50. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Emmanuel Ceballos

18 [COK-09684–COK-10443]

19 51. Kern County Sheriff's Office; Reports, Photos, Audio & Video Re: Mickel Lewis Jr.

20 [COK-10444–COK-10891]

21 52. Kern County Sheriff's Office; CJIS Records [COK-10892–COK-10949]

22 53. Hall Ambulance Records [COK-10950–COK-10967]

23 54. Kern County Sheriff's Office; Use of Force Policies [COK-10968–COK-10973]

24 55. Kern Medical Center; Diagnostic Imaging Records [COK-10974–COK-10988]

25 56. Kern County Sheriff's Office; Roberts Jail Booking Records [COK-10989–COK-11002]

26 57. Kern County Sheriff's Office; Sutton Consent Form [COK-11003]

27 58. Kern County Sheriff's Office; Geherty Employment Psych Evaluation [COK-11004]

28 59. Kern County Sheriff's Office; Reports & Photos Re: Michael LeMon [COK-11005–COK-

1 11414]

2 60. Kern County Sheriff's Office; Reports & Photos Re: David Byrket [COK-11415–COK-

3 11422]

4 61. County of Kern; Letter to DOJ [COK-11423–COK-11432]

5 62. Kern County Sheriff's Office; Reports Re: Michael LeMon [COK-11433–COK-11492]

6 63. Kern County Sheriff's Office; Reports & Photos Re: Christopher Strunc [COK-11493–

7 COK-11870]

8 64. Kern County Sheriff's Office; Reports & Photos Re: Deputy Gabriel Romo [COK-11871–

9 COK-12197]

10 65. Kern County Sheriff's Office; Reports & Photos Re: Stanley Severi [COK-12198–COK-

11 12350]

12 66. County of Kern; Settlement Agreement Re: Brian Caputo [COK-12351–COK-12355]

13 67. County of Kern; Settlement Agreement Re: David Garcia [COK-12356–COK-12366]

14 68. County of Kern; Settlement Agreement Re: Michael Jackson [COK-12367–COK-12374]

15 69. County of Kern; Settlement Agreement Re: Raul Ronquillo [COK-12375–COK-12380]

16 70. County of Kern; Settlement Agreement Re: Arturo Sanchez [COK-12381–COK-12387]

17 71. County of Kern; Settlement Agreement Re: Stanley Severi [COK-12388–COK-12394]

18 72. County of Kern; Records Retention Policy [COK-12395–COK-12410]

19 73. Kern County Sheriff's Office; Audio Re: Willie Roberts

20 74. Kern County Sheriff's Office; Video Re: Willie Roberts

21 75. Kern County Sheriff's Office; Policies & Training

22 76. Government Claim of William Roberts & Carla Sutton

23 77. Citizen Complaint of William Roberts & Carla Sutton, Notice of Receipt

24 78. Medical Records of Willie Roberts, including from:

25 a. Kern Medical Center, 1700 Mt. Vernon Ave., Bakersfield, CA 93306

26 b. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA

27 93306

28 c. Mercy Hospital Downtown, 2215 Truxtun Ave., Bakersfield, CA 93301

- 1 d. Adventist Health Hanford, 115 Mall Dr., Hanford, CA 93230
- 2 e. Mercy Hospital Southwest, 400 Old River Rd., Bakersfield, CA 93311
- 3 f. Martin Luther King Jr. Community Hospital, 1680 E. 120th St., Los Angeles, CA
- 4 90059
- 5 g. Centinela Hospital Medical Center, 555 E. Hardy St., Inglewood, CA 90301
- 6 h. Central California Pain Management, 8303 Brimhall Rd. Bldg. 1500, Bakersfield,
- 7 CA 93312
- 8 79. Medical Records of Carla Sutton, including from:
  - 9 a. Mansukh Ghadiya, M.D., 2201 Mt. Vernon Ave., Suite 211-A, Bakersfield, CA
  - 10 93306
  - 11 b. InspireMe, Counseling and Wellness Center, 5300 California Ave., Bakersfield,
  - 12 CA 93309
- 13 80. Declaration of Jason Colbert, ECF No. 26-4 at 7–11
- 14 81. Declaration of Brandon Geherty, ECF No. 26-4 at 13–15
- 15 82. Declaration of Ryan Brock, ECF No. 26-4 at 20–22
- 16 83. Declaration of Cody Johnson, ECF No. 26-4 at 27–29
- 17 84. Declaration of William Malloy, ECF No. 26-4 at 31–32
- 18 85. DOJ Press Release; “Attorney General Kamala D. Harris Opens Investigations into the
- 19 Kern County Sheriff’s Office and the Bakersfield Police Department for Potential Civil
- 20 Rights Violations” (Dec. 22, 2016)
- 21 86. Complaint; People ex rel. Becerra v. County of Kern, No. BCV-20-102971 (Kern Cnty.
- 22 Super. Ct. Dec. 22, 2020)
- 23 87. DOJ Press Release; “Attorney General Becerra Announces Major Settlement to Reform
- 24 Wide Range of Practices at the Kern County Sheriff’s Office” (Dec. 22, 2020)
- 25 88. Stipulated Judgment; People ex rel. Becerra v. County of Kern, No. BCV-20-102971
- 26 (Kern Cnty. Super. Ct. Dec. 22, 2020)
- 27 89. ACLU Press Release; “ACLU Releases Report on Excessive Force Used by Kern County
- 28 and Bakersfield Law Enforcement Agencies” (Nov. 9, 2017)

1 90. ACLU Report; “Patterns & Practices of Police Excessive Force in Kern County” (Nov. 9,  
2 2017)  
3

**ATTACHMENT D: DEFENDANTS' EXHIBIT LIST**

1. Kern County Sheriff's Report 2020-00172480, regarding the execution of a search  
2. warrant at the illegal gambling casino located at 2407 E. California Avenue on December  
3. 14 through December 15, 2020.
4. 2. All photographs, videos, body worn camera video and audio interviews associated with  
5. Kern County Sheriff's Report 2020-00172480, regarding the execution of a search  
6. warrant at the illegal gambling casino located at 2407 E. California Avenue on December  
7. 14 through December 15, 2020.
8. 3. All evidence obtained regarding Kern County Sheriff's Report 2020-00172480, regarding  
9. the execution of a search warrant at the illegal gambling casino located at 2407 E.  
10. California Avenue on December 14 through December 15, 2020.
11. 4. Kern County Sheriff's Report 2020-00172739, regarding the officer involved shooting  
12. during the execution of a search warrant at the illegal gambling casino located at 2407 E.  
13. California Avenue on December 15, 2020.
14. 5. All photographs, videos, body worn camera video and audio interviews associated with  
15. Kern County Sheriff's Report 2020-00172739, regarding the officer involved shooting  
16. during the execution of a search warrant at the illegal gambling casino located at 2407 E.  
17. California Avenue on December 15, 2020.
18. 6. All evidence obtained regarding Kern County Sheriff's Report, 2020-00172739 regarding  
19. the officer involved shooting during the execution of a search warrant at the illegal  
20. gambling casino located at 2407 E. California Avenue on December 15, 2020, including  
21. the BB/airsoft gun used by Willie Roberts, the clothing worn by Willie Roberts, the bag of  
22. marijuana found on Willie Roberts.
23. 7. All records obtained by subpoena from Hall Ambulance and Kern Medical Center  
24. including x rays, test results.
25. 8. Deposition transcript of Carla Sutton, including video taped deposition and exhibits.
26. 9. Deposition transcript of Willie Roberts, including video taped deposition and exhibits.
27. 10. Search warrant for illegal gambling casino located at 2407 E. California Avenue.

- 1 11. Cell phone of Carla Sutton and Willie Roberts seized during the subject incident and
- 2 results of extraction of data from said phones.
- 3 12. Certified copy of court docket of Willie Roberts' criminal case in the Kern County
- 4 Superior Court regarding the subject incident, and his plea of no contest to felony PC 69.
- 5 13. Kern County policies and training materials produced in discovery.
- 6 14. Report of expert Clarence Chapman and exhibits.
- 7 15. Report of experts Rocky Edwards and Heather Heider, and exhibits.
- 8 16. Report of expert Parris Ward, and exhibits including laser scan of site of incident.
- 9 17. Report of expert Dr. Robert Schick and exhibits.
- 10 18. Report of expert Michael Kuzel and exhibits.
- 11 19. 3D Lidar scan created by expert Adam Stubbs, DeWalt Corporation.